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HAWAII LABOR  
RELATIONS BOARD

STATE OF HAWAII

HAWAII LABOR RELATIONS BOARD

In the Matter of DIRECTOR,	)	CASE NO. OSH 2009-17
DEPARTMENT OF LABOR AND	)	(Inspection No. 311436596)
INDUSTRIAL RELATIONS,	)	
	)	STIPULATION AND SETTLEMENT
Complainant,	)	AGREEMENT; EXHIBIT A; APPROVAL
	)	AND ORDER
vs.	)	
	)	
MIKE IRELAND,	)	
	)	
Respondent.	)	
	)	

**STIPULATION AND SETTLEMENT AGREEMENT**

Complainant Director of Labor and Industrial Relations ("Director") and Respondent MIKE IRELAND ("Respondent") having reached a full and complete settlement of the above-captioned contested case presently pending before the Hawaii Labor Relations Board ("Board") stipulate and agree as follows:

On or about December 22, 2008, the Director, by and through the State of Hawaii's Occupational Safety and Health Division ("HIOSH"), inspected Respondent's workplace located at Lot 19, Kahakai Estates, Kailua-Kona, Hawaii, 96740.

As a consequence of said inspection, the Director, through HIOSH's Administrator, issued a Citation and Notification of Penalty on April 6, 2009 ("Citation") to Respondent alleging violations of the Hawaii Occupational Safety and Health Standards and assessed an aggregate penalty of \$1,000.00. *See* Exhibit A.

Respondent timely contested the Citation.

THEREFORE, to avoid the expense of litigation and to compromise and settle the above-captioned case, the parties, by and through their respective representatives, stipulate and agree as follows:

1. The Board has jurisdiction over this contested case pursuant to section 396-11, Hawaii Revised Statutes ("HRS").

2. At all relevant times, Respondent maintained a workplace at Lot 19, Kahakai Estates, Kailua-Kona, Hawaii, 96740.

3. At all relevant times, Respondent was an employer, as defined in HRS § 396-3, and employed employees, as defined in HRS § 396-3, and was therefore subject to the requirements of HRS chapter 396, the Hawaii Occupational Safety and Health Law.

4. Respondent agrees that it has abated the violation listed in the Citation in compliance with the abatement requirements under Hawaii Administrative Rule § 12-51-22.

5. The Citation of April 6, 2009 is withdrawn. The Respondent agrees that he shall comply with the applicable fall protection standards, 29 CFR 1926.501(b) [chapter 12-121.2 of the Hawaii Administrative Rules], in all future projects in which he acts as an owner-builder pursuant to HRS § 444-9.1, or as an employer.

6. Respondent shall post a copy of this Agreement and Order in a prominent place at or near the location of the posting of the Citation, and the Agreement and Order shall remain posted for three working days (excluding weekends and State holidays).

7. Respondent shall continue to comply with HRS chapter 396, the Hawaii Occupational Safety and Health Law, and the related rules.

8. Nothing in this Agreement shall bar the Director from taking any action regarding future acts or practices by Respondent which may be alleged to violate HRS chapter 396, the Hawaii Occupational Safety and Health Law, or the related rules.


9. Upon approval of this Agreement, all proceedings before the Board shall be dismissed.

DATED: Honolulu, Hawaii, 10/12/09.

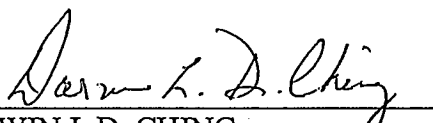
MIKE IRELAND

By:   
MIKE IRELAND

APPROVED AS TO FORM:

  
HERBERT B.K. LAU  
Deputy Attorney General  
Attorney for Director of Labor and  
Industrial Relations, State of Hawaii

DIRECTOR OF LABOR AND  
INDUSTRIAL RELATIONS

  
DARWIN L.D. CHING

APPROVED AND SO ORDERED BY  
HAWAII LABOR RELATIONS BOARD:

ORDER NO. 363

DATED: November 9, 2009



JAMES B. NICHOLSON, Chair



EMORY J. SPRINGER, Member



SARAH B. HIRAKAMI, Member